

United States District Court
for the
Western District of Pennsylvania
Alternative Dispute Resolution Program
Summary

1/25/06

The mission of the United States District Court for the Western District of Pennsylvania is to preserve and enhance the rule of law while providing an impartial and accessible forum for the just, timely and economical resolution of legal proceedings within the court's jurisdiction, so as to protect individual rights and liberties, promote public trust and confidence in the judicial system, and to maintain judicial independence. One of the critical functions in achieving this mission is the promotion and use of Alternative Dispute Resolution (ADR) in civil cases.

In 2001, the Court, following the directives of the Civil Justice Reform Act of 1990 (28 U.S.C. 471, et seq.) and the Alternative Dispute Resolution Act of 1998 (28 U.S.C. 651), established an Advisory committee made up of members of the bar and bench to develop a vigorous ADR program. Members of the ADR subcommittee included: Carole Katz, Maria Greco Danaher, Magistrate Judge Lisa Pupo Lenihan, Sheryl Kashuba and Karen Engro. Together with the Court's Case Management/ADR Committee, ADR Policies and Procedures were developed and approved by the Board of Judges in August, 2005. The Court's ADR Rule (16.2) was modified and approved by the Court's Rules Committee (chaired by Judges Conti and Lancaster). The new rule was posted for comment in September, 2005 and, beginning in June 2006, four district court judges (Ambrose, Cercone, Hardiman and Schwab) will implement new local rule 16.2 which mandates the use of one of the following methods of ADR in all civil cases (except social security and those involving prisoners): mediation, early neutral evaluation and arbitration. Parties will be required to determine which ADR method they are willing to employ (*see* Local Rule 26 [f]) and be prepared to discuss the choice at the case management conference, subject to the approval of the trial judges. The pilot program will be supervised by the Court's ADR Implementation Committee (chaired by Judges Haridman and Schwab).

As defined in the Policies and Procedures, mediation refers to a process in which an impartial neutral, selected by the parties, facilitates negotiations between the parties to help reach a mutually acceptable agreement. Early neutral evaluation (ENE) is a process wherein an impartial attorney, selected by the parties, with subject matter expertise, provides a non-binding evaluation of the case and is available to assist the parties in reaching agreement. Arbitration involves referral of the case to an impartial third party (or a panel of three) for a binding (subject to a *de novo* review) determination in settlement of the claim(s) following the presentation of evidence and arguments.

The cost generally will be shared among or between the parties. If a party is appearing *pro se*, volunteer attorneys may be available to assist in the ADR process. The cost of arbitrating under the Court's program is paid by the court. Parties maintain the ability to utilize private ADR providers.

The Policies and Procedures also explain the requirements for those interested in serving as a mediator, evaluator or arbitrator.